IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

MONDAY THE TWENTY THIRD DAY OF FEBRUARY TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.DEVINDER GUPTA, CHIEF JUSTICE

AND

THE HON'BLE DR.JUSTICE: G. YETHIRAJULU

WRIT PETITION No. 402 of 2004

Between:

Ramireddy Sankara Reddy.
Petitioner

AND

1.The Govt. of A.P. rep. by its Secretary,
Pollution & Environment Dept., Secretariat, Hyderabad.
2.The District Collector & District Magistrate, Nellore District, Nellore.
3.A.P. Pollution Control Board, rep. by its Secretary, Hyderabad.
4.The Environmental Engineer, A.P. Pollution Control Board,
Regional Office, Nellore, Nellore District.
5.The Commissioner, Nellore Municipality, Nellore District.
6.The Senior Divisional Manager Indian Oil Corporation Ltd.,
Bharath Nagar, Ring Road, Vijayawada, Krishna District.
7.Chief Controller of Explosives, Central Govt. Office Complex,
Seminary Hills, Nagpur, State of Maharashtra.
8.Joint Chief Controller of Explosives South Circle, Egmore,
Chennai, State of Tamilnadu.
9.The Director, Town & Country Planning, A.C. Guards, Hyderabad.
10.Smt. B. Vijaya Laxmamma W/o Rangareddy,
H.No.23/900, Wahabpeta, Nellore.
11.Smt.K.Anitha W/o Sundara Ramireddy, H.No.23/900, Wahabpeta, Nellore.
12.Smt. N. Annapurna W/o Rajendra Kumar Reddy,
H.No.23/900, Wahabpeta, Nellore. Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents No.1 to 9 in permitting the respondents No.10 to 12 in establishing a Petroleum Fuel Retail Outlet (Petrol Pump) at premises D.No.23/900, C.A.S.No.464 Part of Nellore Bit-In Village, Wahabpeta, Nellore, in the amidst of the residential locality as illegal, arbitrary, void and in violation of A.P. Pollution Control Board Regulations, Air Prevention of Control of Pollution Act, 1981 and Environment Protection Act, 1986 and further direct the respondents No.1 to 9 not to permit the Respondents No.10 to 12 to establish Petroleum Fuel Retail Outlet (Petrol Pump) at premises D.No.23/900,.C.A.S.No.464 Part of Nellore Bit-in Village, Wahabpeta, Nellore.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and the High Court order dated 22-1-2004,3-2-2004 and 9-2-1004, made in WPMP No.1418 of 2004 and upon hearing the arguments of Mr.T. Amarnath Goud, Advocate for the Petitioner and of Mr. E. Kalyan Ram, SC for Pollution Control Board on behalf of the Respondents 1,3 and 4 and of Govt.Pleader for Revenue, on behalf of the Respondent No.2 and of Mr.Dantu Srinivas, S.C. for Municipality, on behalf of the Respondent No.5 and of Mr.P.V. Sanjay Kumar, S.C. for Indian Oil Corporation, on behalf of the Respondent No.6.

THE COURT MADE THE FOLLOWING ORDER:

"Learned Counsel for the petitioner submits that he would like to file an affidavit in reply to the counter-affidavit filed by respondents and seeks time. List after two weeks.

There is already a stay order operating the field which is to the effect that the respondents will not commission the petrol pump even if no objection is granted by the competent authority.

Learned Counsel for the respondent submits that because of the pendency of the writ petition the 9th respondent has not taken up for consideration the application for permission.

We hereby clarify that pendency of writ petition cannot be taken as preventing the 9th respondent from passing appropriate orders in accordance with law on the application of 6th respondent for setting up a petrol pump. We make it clear that the orders that will be passed by respondent No.9 would be subject to the result of the writ petition."

SD/-P.KRISHNA MURTHY
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The Secretary, Pollution & Environment Dept., Secretariat, Hyderabad.
2.The District Collector & District Magistrate, Nellore District, Nellore.

3.The Secretary, A.P. Pollution Control Board, rep. by its Secretary, Hyderabad.
4.The Environment Engineer, A.P. Pollution Control Board,
Regional Office, Nellore, Nellore District.
5.The Commissioner, Nellore Municipality, Nellore District.
6.The Senior Divisional Manager Indian Oil Corporation Ltd.,
Bharath Nagar, Ring Road, Vijayawada, Krishna District.
7.The Chief Controller of Explosives, Central Govt. Office Complex,
Seminary Hills, Nagpur, State of Maharashtra.
8.The Joint Chief Controller of Explosives South Circle, Egmore,
Chennai, State of Tamilnadu.
9.The Director, Town & Country Planning, A.C. Guards, Hyderabad.
10.Smt. B. Vijaya Laxmamma W/o Rangareddy, H.No.23/900, Wahabpeta, Nellore.
11.Smt.K.Anitha W/o Sundara Ramireddy, H.No.23/900, Wahabpeta, Nellore.
12.Smt. N. Annapurna W/o Rajendra Kumar Reddy, H.No.23/900, Wahabpeta, Nellore.
13.Two CCs to the Govt. Pleader for Revenue, High Court of A.P. Hyderabad. (OUT)
14.One spare copy.

H.A.

DRAFTED BY : H.A.
COMPARED BY :

HIGH COURT

HCJ
&
DR.GYRJ

DT:23-02-2004

ORDER :

WP NO.402 OF 2004

DIRECTION